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**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Order Instituting Rulemaking Regarding Policies,  
Procedures and Rules for the California Solar  
Initiative, the Self-Generation Incentive Program  
and Other Distributed Generation Issues.

Rulemaking 06-03-004  
(Filed March 2, 2006)

**ADMINISTRATIVE LAW JUDGE'S RULING REQUESTING  
COMMENT ON POTENTIAL MODIFICATIONS TO DECISION 06-01-024  
AND DECISION 06-08-028 IN RESPONSE TO SENATE BILL 1**

This ruling requests comments from parties regarding potential modifications to two California Public Utilities Commission (Commission, or CPUC) orders on the California Solar Initiative (CSI) to conform to recent legislation. In Decision (D.) 06-01-024, the CPUC established the CSI, with a total budget of \$2.5 billion from 2007 through 2016 for the CPUC portion of the program to be funded through ratepayer support.<sup>1</sup> In D.06-08-028, the CPUC set forth further implementation details for CSI, particularly the adoption of performance-based incentives.

On August 21, 2006, the Governor signed Senate Bill (SB) 1, which directs the CPUC and the CEC to implement the CSI consistent with specific requirements and budget limits set forth in the legislation.<sup>2</sup> For example, SB 1

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<sup>1</sup> The California Energy Commission (CEC) collaborated with the CPUC in the creation of CSI by this Commission order.

<sup>2</sup> SB 1 goes into effect on January 1, 2007.

directs the CEC to establish eligibility criteria for solar energy systems receiving ratepayer funded incentives and it requires the CPUC to adopt a performance-based incentive program by January 1, 2008. SB 1 mandates that the CPUC portion of CSI shall not exceed a total program cost of \$2.16 billion.

In light of SB 1, certain program and budgetary details set forth in D.06-01-024 and D.06-08-028 will likely require modification. This ruling requests comments from parties on how aspects of SB 1 impact the implementation of CSI. In the numbered sections below, I excerpt language from SB 1 followed by a possible course of action for the CPUC portion of CSI in light of that language. Parties are requested to comment on the reasonableness of the approaches outlined in this ruling. SB 1 contains additional direction to the CPUC and CEC that is not addressed in this ruling. I have avoided asking for comments now on elements of SB 1 that pertain to issues the CPUC will address in Phase 2 of this rulemaking. Nevertheless, parties may raise additional issues in SB 1 that they believe warrant immediate action by the CPUC to modify its earlier CSI decisions.

### **1. 1 Megawatt (MW) Size Limit**

SB 1 adds Section 2851(a)(1) to the Public Utilities Code which states that:

(1) The commission shall authorize the award of monetary incentives for up to the first megawatt of alternating current generated by solar energy systems that meet the eligibility criteria established by the State Energy Resources Conservation and Development Commission pursuant to Chapter 8.8 (commencing with Section 25780) of Division 15 of the Public Resources Code.

In D.06-01-024, the CPUC allowed qualifying solar projects to receive CSI incentives for up to 5 MW, an increase from the previous 1 MW limit in the Self-Generation Incentive Program (SGIP). (D.06-01-024, p. 14.) The language of SB 1

appears to limit incentives to 1 MW projects. Thus, D.06-01-024 should be modified to clarify that commencing with conditional reservations issued for solar incentives after January 1, 2007, solar projects may receive incentives only up to the first MW.

## **2. Eligibility Criteria**

SB 1 adds Section 25782 to the Public Resources Code which mandates:

The [CEC] shall, by January 1, 2008, in consultation with the Public Utilities Commission, local publicly owned electric utilities, and interested members of the public, establish eligibility criteria for solar energy systems receiving ratepayer funded incentives . . .

SB 1 also adds Section 2851(a)(1) to the Public Utilities Code which states in pertinent part that:

The [CPUC] shall determine the eligibility of a solar energy system, as defined in Section 25781 of the Public Resources Code, to receive monetary incentives until the time the State Energy Resources Conservation and Development Commission establishes eligibility criteria pursuant to Section 25782. Monetary incentives shall not be awarded for solar energy systems that do not meet the eligibility criteria.

These sections of SB 1, when taken together, require CEC established eligibility criteria by January 1, 2008, but allow the CPUC to implement the CSI program using the CPUC's own eligibility criteria, until such time as CEC criteria are in place. It is reasonable to conclude that the Commission should continue progress toward implementation of its CSI program on January 1, 2007, including CSI Handbook Development and program administration functions, using the eligibility criteria and guidance set forth in D.06-08-028, in advance of the CEC eligibility criteria required by SB 1. As the CEC adopts eligibility

criteria, in consultation with the Commission, the Commission can adapt the CSI program as needed to match any new criteria.

### **3. Incentive Reductions**

Section 2851(a)(1) also provides that:

The incentive level authorized by the [CPUC] shall decline each year following implementation of the California Solar Initiative, at a rate of no less than an average of 7 percent per year, and shall be zero as of December 31, 2016. The commission shall adopt and publish a schedule of declining incentive levels no less than 30 days in advance of the first decline in incentive levels. The commission may develop incentives based upon the output of electricity from the system, provided those incentives are consistent with the declining incentive levels of this paragraph and the incentives apply to only the first megawatt of electricity generated by the system.

In D.06-08-028, the CPUC adopted an incentive structure that declines as MW levels of program participation are achieved, rather than after a specified period of time. Each of the incentive “step” reductions adopted by the Commission is larger than 7%. SB 1 states that incentive levels should decline “each year.” Parties should comment on whether the Commission’s MW-based incentive reduction plan adopted in D.06-08-028 is now inconsistent with SB 1 and, if so, what changes should be made to the incentive reduction plan to bring it into compliance with SB 1 (e.g., an annual reduction). In proposing any suggested changes, parties should explain how their alternative proposals will prevent premature exhaustion of available funds. In addition, parties should comment on whether SB 1 could be interpreted to allow the Commission to maintain a MW-based

incentive reduction scheme as long incentives decline by an average 7 percent rate when assessed over a multiple-year period.

Further, D.06-08-028 published a schedule of declining incentives for the entire 10 year duration of CSI, and requires publication of real-time information on a public website of the total MWs in incentive applications so that interested persons can monitor pending incentive reductions. Parties should comment on whether these program elements adequately comply with SB 1's requirement that the Commission shall "adopt and publish a schedule of declining incentive levels no less than 30 days in advance of the first decline in incentive levels."

#### **4. Performance Based Incentives**

Section 2851(a)(2) provides that:

The [CPUC] shall adopt a performance-based incentive program so that by January 1, 2008, 100 percent of incentives for solar energy systems of 100 kilowatts or greater and at least 50 percent of incentives for solar energy systems of 30 kilowatts or greater are earned based on the actual electrical output of the solar energy systems. The commission shall encourage, and may require, performance-based incentives for solar energy systems of less than 30 kilowatts. Performance-based incentives shall decline at a rate of no less than an average of 7 percent per year.

D.06-08-028 adopts performance-based incentives (PBI) for systems of 100 kilowatts (kW) and larger, but does not move to PBI for systems of 30 kW and larger until 2010. To conform to SB 1, D.06-08-028 should be modified to specify that PBI will be phased in for systems under 100 kW on a faster schedule than originally adopted in D.06-08-028. Beginning January 1, 2007, PBI shall apply to all systems 100 kW or larger; beginning January 1, 2008, PBI shall apply to all

systems 50 kW or larger; and beginning January 1, 2010, PBI shall apply to all systems 30 kW or larger. This modified PBI phase-in should adequately comply with SB 1. Nevertheless, the Commission could also regularly assess whether this approach meets the targets of SB 1.

## **5. Energy Efficiency**

SB 1 adds Section 2851(a)(2)(c)(3) which provides that:

By January 1, 2008, the commission, in consultation with the State Energy Resources Conservation and Development Commission, shall require reasonable and cost-effective energy efficiency improvements in existing buildings as a condition of providing incentives for eligible solar energy systems, with appropriate exemptions or limitations to accommodate the limited financial resources of low-income residential housing.

In D.06-01-024, the CPUC required an energy efficiency audit for existing buildings as a condition of receiving CSI incentives, and directed staff to consider requiring energy efficiency improvements in existing buildings as a condition of solar incentive payments. In April 2006, Staff proposed that the CPUC adhere to these same requirements and not require CSI incentive recipients to make energy efficiency improvements at this time. The CPUC should issue an order clarifying the interim energy efficiency audit and efficiency standard requirements to receive solar incentives in 2007, until “reasonable and cost-effective energy efficiency improvements” are identified in consultation with the CEC by the January 2008 deadline in SB 1.

## **6. Time Variant Pricing**

SB 1 adds section 2851(a)(4) which states that:

Notwithstanding subdivision (g) of Section 2827, the commission shall require time-variant pricing for all ratepayers with a solar energy system. The commission shall develop a time-variant tariff

that creates the maximum incentive for ratepayers to install solar energy systems so that the system's peak electricity production coincides with California's peak electricity demands and that assures that ratepayers receive due value for their contribution to the purchase of solar energy systems and customers with solar energy systems continue to have an incentive to use electricity efficiently. In developing the time-variant tariff, the commission may exclude customers participating in the tariff from the rate cap for residential customers for existing baseline quantities or usage by those customers of up to 130 percent of existing baseline quantities, as required by Section 80110 of the Water Code. Nothing in this paragraph authorizes the commission to require time-variant pricing for ratepayers without a solar energy system.

In D.06-08-028, the CPUC did not require CSI program participants to take service through time of use (TOU) tariffs to receive incentives. Given the language in SB 1, the CPUC should modify D.06-08-028 to require that customers who apply for incentives starting January 1, 2007 must take service from the existing TOU tariff applicable to their situation in order to receive solar incentives. Solar energy systems that applied for and were approved to receive incentives prior to SB 1 taking effect on January 1, 2007, are not required to retroactively sign up for service under a TOU tariff. As SB 1 states, the purpose of the time variant pricing requirement is to create the maximum incentive for customers to install solar energy systems that coincide with California's peak electricity demand. Thus, the requirement would have little impact on systems already installed. Any tariff design changes should be handled through each utility's general rate case.

## **7. Gas Utilities' Involvement in CSI**

SB 1 adds Section 2851(d)(1) which states that:

The commission shall not impose any charge upon the consumption of natural gas, or upon natural gas ratepayers, to fund the California Solar Initiative.

Given this language in SB 1, the CPUC should modify D.06-01-024 and D.06-08-028 to update the CSI budget to remove the revenue requirements derived from gas utilities, remove MW allocations pertaining to gas utilities, and remove administration responsibility from SoCalGas.

This raises the question about the extent to which the Commission should be providing incentives for solar technologies other than photo-voltaic (PV). Given this language in SB 1, the Commission could choose to define non-PV technologies to exclude from the incentive program those non-PV solar technologies that displace thermal energy (e.g., natural gas) in order to avoid electric ratepayers paying for a natural gas savings. Similarly, the CPUC could choose to exclude incentives for solar hot water heating systems that displace natural gas usage from the San Diego Regional Energy Office pilot on solar water heating.

## **8. Total CSI Budget for CPUC**

Section 2851(e)(1) specifies that financial components of CSI shall consist of:

Programs under the supervision of the commission funded by charges collected from customers of San Diego Gas and Electric Company, Southern California Edison Company, and Pacific Gas and Electric Company. The total cost over the duration of these programs shall not exceed two billion one hundred sixty-six million eight hundred thousand dollars (\$2,166,800,000) and includes moneys collected directly into a tracking account for support of the California Solar Initiative and moneys collected into other accounts that are used to further the goals of the California Solar Initiative.



In D.06-01-024, the CPUC adopted a CSI budget of \$2.5 billion from 2007 through 2016. Later, in D.06-08-028, the CPUC allocated this same budget across the utilities. Given the new CSI budget limit set by SB 1, the CPUC should modify D.06-01-024 and D.06-08-028 to reflect the lower budget limit of \$2.16 billion for 2007 through 2016 and corresponding reductions in MW goals for the CPUC's portion of CSI.

Specifically, the Commission should revise its allocation of the total dollars than can be disbursed in each step of the program.<sup>3</sup> Table 13 in D.06-08-028 assumed approximately \$2.1 billion was available for direct incentives under CSI. With the new budget limit of \$2.16 billion in SB 1, the Commission may now spend only \$1.7 billion in direct incentives, calculated as follows:

<b>Budget Category</b>	<b>(\$ in millions)</b>
SB 1 CSI Budget	\$2,166.80
Low Income Budget (10%)	216.68
RD&D Budget	50.00
SDREO Pilot Budget	3.00
Budget remaining	1897.12
Administration Budget	189.71
Total CSI Budget for Direct Incentives	\$1707.41

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<sup>3</sup> As discussed in Section 3 of this ruling, the Commission must assess whether the MW-based reduction plan in D.06-08-028 complies with SB 1 or whether it must adopt annual incentive reductions.

In addition, the Commission should reduce its 3000 MW goal for the CPUC portion of CSI, given the new lower budget for CSI and contributions of the CEC and municipal utilities to the 3000 MW goal. The Commission's budget is now \$2.16 billion, which means the CPUC portion of CSI funds is 65% of the total \$3.35 billion specified in SB 1. If the total SB 1 goal is 3000 MW of solar, the CPUC portion of this total is 1940 MW. According to D.06-01-024, ten percent of program funds are reserved for solar incentives to low income residential and affordable housing projects. Thus, ninety percent, or 1750 MW, are attributed to the mainstream incentive program. The tables in D.06-08-028 should be adjusted to reflect the new lower budget limit and the corresponding 1750 MW goal for the CPUC portion of CSI. The impacted tables for both D.06-01-024 and D.06-08-028 have been revised as suggested in this section of the ruling, and are attached to this ruling as Attachment 1. When commenting on this ruling, parties should specify whether they agree with the revisions to the tables in the attachment.

Accordingly, **IT IS RULED** that parties shall file comments on the proposals and questions set forth in this ruling and its attachment no later than September 25, 2006, and reply comments no later than October 2, 2006.

Dated September 15, 2006, at San Francisco, California.

/s/ DOROTHY J. DUDA

Dorothy J. Duda  
Administrative Law Judge

**Attachment****Modified Tables for D.06-01-024 and D.06-08-028****Modified Tables for D.06-01-024:**

**Table 1: IOU Annual Revenue Requirements for CPUC Portion of CSI**  
**(in millions of dollars)**

<b>Year</b>	<b>PG&amp;E</b>	<b>SCE</b>	<b>SDG&amp;E</b>	<b>Total</b>
2007	\$154	\$118	\$48	\$320
2008	\$154	\$118	\$48	\$320
2009	\$154	\$118	\$48	\$320
2010	\$115	\$89	\$36	\$240
2011	\$115	\$89	\$36	\$240
2012	\$115	\$89	\$36	\$240
2013	\$77	\$59	\$24	\$160
2014	\$77	\$59	\$24	\$160
2015	\$77	\$59	\$24	\$160
2016	\$2	\$2	\$0.75	\$5
<b>Total</b>	<b>\$1,039</b>	<b>\$801</b>	<b>\$325</b>	<b>\$2,165</b>

**Table 2: IOU Share of CSI Costs**

	<b>% Total budget</b>	<b>Budget (in millions)</b>
PG&E	48%	\$1,039
SCE	37%	\$801
SDG&E	15%	\$325
Total	100%	\$2,165

**Table 3: Administrative and Evaluation Budgets by Utility Territory<sup>4</sup>**

<b>Utility</b>	<b>Administrative Budget</b>
PG&E	\$91.0
SCE	\$70.0
SDG&E	\$28.5
<b>Total</b>	<b>\$189.5</b>

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<sup>4</sup> Note that the administrative budget is calculated as 10% of the CPUC overall CSI budget net of the budgets for low-income incentives (\$216.68 million), RD&D (\$50 million), and the SDREO Pilot (\$3 million). Thus the total administrative budget equals 10% of \$1,897 billion, or \$189.7 million.

**Modified Tables for D.06-08-028:**

**Table 2**  
**CSI MW Targets by Utility and Customer Class**

Step	MW in Step	PG&E (MW)		SCE (MW)		SDG&E (MW)	
		Res	Non-Res	Res	Non-Res	Res	Non-Res
1	50	--	--	--	--	--	--
2	70	11.1	22.5	8.5	17.4	3.5	7.0
3	100	15.8	32.2	12.2	24.8	5.0	10.1
4	130	20.6	41.8	15.9	32.2	6.4	13.1
5	160	25.3	51.5	19.5	39.7	7.9	16.1
6	190	30.1	61.1	23.2	47.1	9.4	19.1
7	215	34.1	69.1	26.3	53.3	10.6	21.6
8	250	39.6	80.4	30.5	62.0	12.4	25.1
9	285	45.1	91.7	34.8	70.7	14.1	28.6
10	350	55.4	112.6	42.7	86.8	17.3	35.2
Totals		840.0		647.5		262.5	
Percent		48%		37%		15%	

**Table 3**  
**Incentive Levels by MW Step (\$/watt)**

Step	MW in Step	Gov't/ Non-Profit	Res	Commercial
1	50	\$2.80	\$2.80	\$2.80
2	70	\$3.25	\$2.50	\$2.50
3	100	\$2.95	\$2.20	\$2.20
4	130	\$2.65	\$1.90	\$1.90
5	160	\$2.30	\$1.55	\$1.55
6	190	\$1.85	\$1.10	\$1.10
7	215	\$1.40	\$0.65	\$0.65
8	250	\$1.10	\$0.35	\$0.35
9	285	\$0.90	\$0.25	\$0.25
10	350	\$0.70	\$0.20	\$0.20

**Table 5**  
**Levelized PBI Monthly Payment Amounts at 8% Discount Rate**

MW Step	MW in step	PBI payments (per kWh)		
		Residential	Commercial	Government Non-Profit
1	50	n/a	n/a	n/a
2	70	\$0.39	\$0.39	\$0.50
3	100	\$0.34	\$0.34	\$0.46
4	130	\$0.26	\$0.26	\$0.37
5	160	\$0.22	\$0.22	\$0.32
6	190	\$0.15	\$0.15	\$0.26
7	215	\$0.09	\$0.09	\$0.19
8	250	\$0.05	\$0.05	\$0.15
9	285	\$0.03	\$0.03	\$0.12
10	350	\$0.03	\$0.03	\$0.10

**Table 6**  
**Maximum EPPB Payment Amounts**

MW Step	MW per step	EPBB payments (per watt)		
		Residential	Commercial	Government/ Non-Profit
1	50	n/a	n/a	n/a
2	70	\$2.50	\$2.50	\$3.25
3	100	\$2.20	\$2.20	\$2.95
4	130	\$1.90	\$1.90	\$2.65
5	160	\$1.55	\$1.55	\$2.30
6	190	\$1.10	\$1.10	\$1.85
7	215	\$0.65	\$0.65	\$1.40
8	250	\$0.35	\$0.35	\$1.10
9	285	\$0.25	\$0.25	\$0.90
10	350	\$0.20	\$0.20	\$0.70

**Table 10**  
**MW Allocations by Utility**

<b>Incentive Step</b>	<b>MWs in Step</b>	<b>PG&amp;E</b>	<b>SCE</b>	<b>SDG&amp;E</b>
1	50	n/a	n/a	n/a
2	70	33.6	25.9	10.5
3	100	48.0	37.0	15.0
4	130	62.4	48.1	19.5
5	160	76.8	59.2	24.0
6	190	91.2	70.3	28.5
7	215	103.2	79.6	32.3
8	250	120.0	92.5	37.5
9	285	136.8	105.5	42.8
10	350	168.0	129.5	52.5
Total	1750	840.0	647.5	262.5
	Percent	48%	37%	15%

**Table 11**  
**CSI MW Targets by Utility and Customer Class**

Step	MW in Step	PG&E (MW)		SCE (MW)		SDG&E (MW)	
		Res	Non-Res	Res	Non-Res	Res	Non-Res
1	50	--	--	--	--	--	--
2	70	11.1	22.5	8.5	17.4	3.5	7.0
3	100	15.8	32.2	12.2	24.8	5.0	10.1
4	130	20.6	41.8	15.9	32.2	6.4	13.1
5	160	25.3	51.5	19.5	39.7	7.9	16.1
6	190	30.1	61.1	23.2	47.1	9.4	19.1
7	215	34.1	69.1	26.3	53.3	10.6	21.6
8	250	39.6	80.4	30.5	62.0	12.4	25.1
9	285	45.1	91.7	34.8	70.7	14.1	28.6
10	350	55.4	112.6	42.7	86.8	17.3	35.2
Totals		840.0		647.5		262.5	
Percent		48%		37%		15%	

**Table 12**  
**CSI MW Allocations by Customer Sector**

Customer Sector	MW	Percent
Residential MW	577.5	33%
Non-Residential MW	1172.5	67%
<b>Total MW</b>	<b>1750</b>	<b>100%</b>



**Table 13**  
**CSI Incentive Levels by Incentive and Customer Class**

<b>Step</b>	<b>MW in Step</b>	<b>Gov't/ Non-Profit</b>	<b>Res</b>	<b>Commercial</b>	<b>Total \$ Disbursed in Step (\$ in millions)</b>
1	50	n/a	n/a	n/a	n/a
2	70	\$3.25	\$2.50	\$2.50	\$186
3	100	\$2.95	\$2.20	\$2.20	\$235
4	130	\$2.65	\$1.90	\$1.90	\$267
5	160	\$2.30	\$1.55	\$1.55	\$272
6	190	\$1.85	\$1.10	\$1.10	\$237
7	215	\$1.40	\$0.65	\$0.65	\$172
8	250	\$1.10	\$0.35	\$0.35	\$125
9	285	\$0.90	\$0.25	\$0.25	\$108
10	350	\$0.70	\$0.20	\$0.20	\$105
				<b>Total</b>	<b>\$1,707</b>

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Dated September 15, 2006, at San Francisco, California.

/s/ ELIZABETH LEWIS  
Elizabeth Lewis

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